

ORIGINAL

Decision No. 6884.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of )  
E. RUFUS CONNELLY for certificate of )  
public convenience and necessity to )  
operate automobile stage line service ) Application No. 4574.  
between Visalia, Klink, Redbanks, )  
Woodlake, Naranjo and Terminus. )

E. Rufus Connelly in propria persona.

Powers and McFadden for Visalia Electric  
Railroad Company, Protestants.

BY THE COMMISSION:

O R D E R

E. RUFUS CONNELLY has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation of an automobile stage line as a common carrier of passengers and express between Visalia and intermediate points.

A public hearing on this application was conducted by Examiner Handford at Visalia on October 30, 1919, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with a schedule marked exhibit "A" and filed with the application in this proceeding and to operate on a schedule of two round trips daily serving as intermediate points the communities at Klink, Venice Hill, Redbanks, Woodlake and Naranjo; using as equipment one or more automobiles of seven passenger capacity.

Applicant relies, as justification for the granting of the desired certificate, upon the alleged fact that there is no stage line operating between the points proposed to be served.

and that residents of Venice Hill and Klink and Naranjo have requested the establishment of a line over the route herein sought. The service proposed to Terminus is to be operated only during the season that the resort, known as Terminus Beach, is open. At all other times during the year the service proposed will have its northerly terminal at Naranjo. At the hearing on this application the applicant was the only witness in support of the application and stated that it was his opinion that a profitable business could be developed over the route for which certificate is sought and that the residents of Klink, Venice Hill, and Redbanks had no service by any regular carrier; the communities at Woodlake, Woodlake Junction and the resort at Terminus being served by the Visalia Electric Railroad. Applicant testified that, in his opinion, the service rendered by the Visalia Electric Railroad to the points reached by such line was satisfactory and at reasonable rates.

This application is protested by the Visalia Electric Railroad as regards the competition that would exist along the entire route as regards Visalia - Terminus business and as regards competition to the stations of Woodlake and Woodlake Junction, no objection being made to the granting of the certificate as regards the communities at Klink, Venice Hill and Redbanks.

After careful consideration of the evidence in this proceeding, it appears that there is no public convenience and necessity to be served by the granting of the certificate over the entire route for which same is sought as the testimony of the applicant is conclusive in stating that adequate service is now rendered by the Visalia Electric Railroad to the points which would be in competition with those proposed to be served by the proposed stage line. The Commission, however, does not feel that the residents of the communities not now served by any form of regular

transportation should be deprived of service provided that a sufficient volume of business exists to justify the route proposed in establishing service along the route proposed but qualified as to certain competitive points which are now served by the Visalia Electric Railroad.

The Commission is of the opinion that a certificate should be granted from Visalia to Terminus qualified, however, on the basis that no through service should be rendered from Visalia to Terminus but permitting operation to and from points intermediate between Visalia and Redbanks to and from points intermediate between Redbanks and Terminus thus offering the residents of the communities at and near Klink, Venice Hill, and Redbanks opportunity to use the proposed stage route to Visalia for business purposes and to Terminus for the enjoyment of the attractions offered at such pleasure resort.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by E. Rufus Connelly of an automobile stage line as a common carrier of passengers and express between Visalia and Terminus and intermediate points; provided, however, that this certificate conveys no authority for the transportation of through passengers or express between the stations of Visalia and Terminus. The operation to be restricted to passengers originating in or destined to the territory contained on the route between Visalia and Redbanks for such passengers as may be destined to or from the portion of the route between Redbanks and Terminus; it being the intention of this certificate to eliminate any operation between points that are in competition with the service of the Visalia Electric Railroad; and provided, further, that the rights and privileges hereby granted may not be transferred nor assigned unless the written consent of the Railroad Commission to such

transfer or assignment shall have first been procured.

IT IS HEREBY ORDERED that the applicant herein shall signify, within thirty days of the date of service of this order, his acceptance of the certificate herein granted and in case of applicant failing to accept the qualified certificate herein authorized this certificate is automatically null and void.

IT IS HEREBY FURTHER ORDERED that no vehicle may be operated under this certificate unless such vehicle is owned by the applicant herein or is leased by such applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 28<sup>th</sup> day of November, 1919.

Edwin O. Egerton

H. J. Loveland

H. C. Brundage

Leaving Master

Commissioners.